

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

THE PROCTER & GAMBLE U.S.	:	
BUSINESS SERVICES COMPANY,	:	Case No. 3:17-cv-00762
As Plan Administrator and On Behalf	:	
Of THE PROCTER & GABLE PROFIT	:	
SHARING TRUST AND EMPLOYEE	:	
STOCK OWNERSHIP PLAN and	:	<b>Hon. Robert D. Mariani</b>
THE PROCTER & GAMBLE	:	
SAVINGS PLAN,	:	
Plaintiff,	:	
vs.	:	
ESTATE OF JEFFREY ROLISON,	:	
Deceased,	:	
MARGARET M. LOSINGER,	:	
Defendants.	:	

**DEFENDANT, MARGARET M. LOSINGER'S, BRIEF IN OPPOSITION  
TO THE ESTATE OF JEFFREY ROLISON'S MOTION TO SUPPLEMENT**

The Defendant, Margaret Losinger, through counsel opposes the Estates motion to supplement and in support thereof submit that the Estate failed to follow the local rules of civil procedure and was without authority or leave of court to warrant supplementation which presents no new facts.

The estate alleges the parties were dilatory in the pursuit of discovery. The only party who delayed discovery in this matter was the estate, by refusing to conduct depositions in 2018 and 2019. Further, the estate did not schedule the depositions that were taken until the last days of allowable discovery. This ongoing pattern of delay was displayed recently by the request from the estate to further

delay this matter with regard to a briefing schedule because Counsel for the Estate was on a vacation.

The estate's filings do not comport with local rule 7.6, and as set forth in Losinger's response and motion to strike, the Estate has filed multiple statements of fact without leave of court. Additionally, counsel for the estate misrepresented to this court its certification for seeking concurrence or non-concurrence related to its motion for supplementation. The estate's contention that supplementation is required to ensure a full and fair evidentiary record before the court is also inaccurate. The estate merely rephrases and rewrites the same factual assertions that it had in prior submissions.

The estate further provides no legitimate basis for failing to respond to statements of fact by P&G or for it's request to submit multiple statements of fact in support of its motion for summary judgment or in response to the other parties' motions for summary judgment. Since taking depositions, there has been no additional discovery by any of the parties, but rather motions for summary judgment and briefings filed by Procter & Gamble and Losinger.

Every potential allegation raised in the estate's proposed supplementation is neither new or novel. The responding parties would be prejudiced if the estate were allowed to supplement it's already repetitive and duplicative statements of fact. Losinger has met all of the court's deadlines and submitted her own timely motion

for summary judgment and briefs in support thereof. Currently, the case is ready for a decision by the court and all motions for summary judgment. For these reasons and the reasons set forth by P&G in its brief filed at ECF # 195, The estate's motion to supplement should be denied in Losinger's motion to strike the repetitive and duplicative SOUMF's should be granted.

Dated: May 26, 2022

Respectfully Submitted,

**CAPUTO & MARIOTTI LAW OFFICES**

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Margaret Losinger

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of May, 2022, a true and correct copy of Defendant Margaret M. Losinger's Brief in Opposition to Defendant Estate of Jeffrey Rolinson's Motion to Supplement was served through the Court's ECF system, will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Joseph E. Mariotti

Joseph E. Mariotti